

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
ALLIANCE FOR OPEN SOCIETY
INTERNATIONAL, INC. and OPEN SOCIETY
INSTITUTE,
-----xPlaintiffs,
-----xv.
-----x
UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT and
ANDREW S. NATSIOS, in his official capacity as
Administrator of the United States Agency for
International Development.
-----xDefendants.
-----x

WHEREAS Plaintiffs Alliance for Open Society International, Inc. ("AOSI") and Open Society Institute (collectively, "Plaintiffs") commenced this action against Defendant United States Agency for International Development and Andrew S. Natsios (collectively, "USAID") by filing a complaint on September 23, 2005;

WHEREAS, on September 28, 2005, Plaintiffs moved for a preliminary injunction; and

WHEREAS, on October 12, 2005, Plaintiffs moved for a temporary restraining order;

IT IS HEREBY STIPULATED AND AGREED by and between the Plaintiffs and USAID as follows:

1. During the pendency of Plaintiffs' motions for a preliminary injunction and a temporary restraining order, AOSI will in good faith not take any action that they think violates the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, 22 U.S.C. § 7631(f) (the "Act").

2. Notwithstanding AOSI's view as to whether it violated the Act, if USAID

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10-14-05

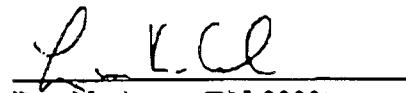
05 Civ. 8209 (VM)

STIPULATION AND ORDER

determines that AOSI or any of its subawardees has violated the Act and their certification, as described in USAID's letter to AOSI of October 7, 2005, then USAID will provide AOSI with 14 days notice before taking any action to redress the violation. A copy of USAID's October 7, 2005 letter to AOSI is attached to this Stipulation as Exhibit A.

3. Nothing in this Stipulation will prejudice USAID's defenses in this lawsuit, including that the Act is constitutional, that USAID's construction of the Act is proper, or any other defenses to the complaint or the motions for a preliminary injunction and a temporary restraining order.

Dated: New York, New York
October 13, 2005



Burt Neuborne (BN-9092)
Rebeckah Diller (RD-7791)
David S. Udell (DU-4762)
Laura K. Abel (LA-6831)
Aziz Huq (AH-3227)
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, New York 10013
Tel.: (212) 998-6730
Attorneys for Plaintiffs

Dated: New York, New York
October 13, 2005

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

By:

John P. Cronan
JOHN P. CRONAN (JC-1627)
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel. No.: (212) 637-2779
Fax. No.: (212) 637-2730

SO ORDERED: 13 October 2005


UNITED STATES DISTRICT JUDGE

Victor Marrero

Exhibit A



USAID
FROM THE AMERICAN PEOPLE

October 7, 2005

Galina Karmanova
Alliance for Open Society International, Inc.
97 Makataev Str., Almaty, Kazakhstan
fax: 79-88-11

Dear Galina Karmanova:

As you know, Dr. Kent Hill, Acting Assistant Administrator of the USAID Bureau for Global Health, notified Alliance for Open Society International, Inc. ("AOSI") in April of 2005 that advocating for the legalization of the institution of prostitution would be a clear indication that an organization does not explicitly oppose prostitution. In addition, Dr. Hill informed AOSI that organizing or unionizing prostitutes for the purposes of advocating for the legalization of prostitution, as distinct from organizing for the purposes of deterring human rights abuses and addressing public health issues, would also indicate that an organization does not explicitly oppose prostitution. I hope that my reiteration of USAID guidance will be of use to your organization in complying with your certification that you maintain a policy explicitly opposing prostitution and sex-trafficking.

Regards,

Christopher D. Crowley
Christopher D. Crowley
Mission Director

Cc: Richard Kushen
Board Chair
Alliance for Open Society International, Inc.